

PLANNING BOARD MINUTES

SPECIAL MEETING

August 27, 2009

Board members present:

Art Weber, Chairman Ron Wolanski, Planning Director

Jan Eckhart Roland Chase, Assistant Solicitor

Betty Jane Owen Shawn Brown, Town Administrator

Gladys Levine Mike Miller, Town Solicitor

Audrey Rearick Jack Kane, Building/Zoning Official

Dick Adams

Members absent:

Frank Forgue

The meeting was called to order at 3:00 pm.

1. Discuss request of the Town Council for additional Planning Board review and recommendation on proposed zoning ordinance amendment regarding wind energy conversion facilities in light of Town Solicitor comments.

Also present and participating in the discussion: Peter Tarpard, Middletown Wind Turbine Feasibility Committee; Tim Hetland, RI Wind Power; Scott Milnes, SGE

Mr. Chase summarized the major points of the new draft provided by the Town Solicitor's office.

There was discussion, and agreement that the definition for wind turbine should be expanded to also include the foundation of a tower. Mr. Weber expressed concern that the draft ordinance would not encourage development of wind turbines. Promotion of alternative energy, including wind, is a proposed goal expressed in the draft of the comprehensive plan update currently under development. He expressed concern about the requirement that medium and large-tower turbines require a 5-acre lot in the residential districts. Mr. Tarpgard expressed similar concern regarding the 5-acre lot requirement in residential districts.

There was discussion of the fall zone requirements.

Mr. Milnes questioned the need for fall zones given that towers are engineered to collapse if they fail, rather than topple over.

Mr. Chase clarified that the fall zone requirements may be modified by the Zoning Board as part of the Special Use Permit, without the need for a variance.

There was discussion about language requiring liability insurance. It was decided that the proposed language is sufficient.

There was additional discussion regarding the fall zone requirements. Mr. Wolanski pointed out that the draft would require a fall zone for roof-mount turbines also. After discussion it was decided that the fall zone requirement for roof-mounted units is appropriate since it will provide protection from various potential impacts for abutting property owners, particularly in more densely developed areas.

There was general consensus that the proposed fall zone provisions in the draft are appropriate.

There was discussion of comments from Mr. Wolanski contained in his memo to the Planning Board dated August 26, 2009. It was decided that large-tower turbines will require review and recommendation by the Planning Board prior to the issuance of a special use permit. Photo simulations only for the site on which the tower is to be located will be required (rather than simulations to compare towers to the St. Georges Chapel and Miantonomi Tower).

Mr. Milnes questioned the requirement for a flicker/shadow study in all cases. Mr. Miller and Mr. Chase explained that there is no requirement for such a study. The ordinance draft states that the applicant has the burden of proof, but the ZBR would determine what, if any, documentation or studies are need on a case-by-case basis.

Mr. Brown asked about the possibility of an easement to allow for fall zones on abutting properties. It was determined that the ability of the ZBR to modify the fall zone requirement eliminates the need for an easement.

Mr. Brown asked about the need to have utility companies review and approve plans. Mr. Kane stated that such review is already required prior to connection to the grid.

Mr. Brown asked about protections against someone building an occupied building in the fall zone of a turbine after the turbine is constructed. Mr. Kane stated he would not issue a permit to construct an occupied building with an existing fall zone.

Mr. Chase reviewed comments provided by the Fire Chief. Mr. Chase stated that the Town could not require an applicant to provide equipment to the fire department that might assist in responding to

an emergency at the turbine. Requirements for an emergency response plan and provision of access controls are included in the draft.

There was additional discussion regarding the lot size requirements for medium and large-tower turbines in residential districts. It was determined that the ordinance should require a 3-acre minimum lot size for medium, and 5-acre minimum lot size for large-tower turbines.

Mr. Chase indicated that he made the revisions to the draft and provide the revised draft to Mr. Wolanski for review. The revised draft will be considered by the Planning Board at its September 9th meeting.

The meeting adjourned at 4:45pm.